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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,175	11/14/2003	Atsuhiko Sakurai	TI-35254	2913
23494 7590 02/26/2008 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			EXAMINER FLANDERS, ANDREW C	
			ART UNIT 2615	PAPER NUMBER
			NOTIFICATION DATE 02/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/714,175

Applicant(s)

SAKURAI ET AL.

Examiner

Andrew C. Flanders

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 February 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 2 and 5.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3, 4 and 6.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached remarks.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Response to Arguments

Applicant's arguments filed 05 February 2008 have been fully considered but they are not persuasive.

Applicant alleges regarding claims 1 and 4 that the following is not taught for the same reasons stated in the previous response. These are not persuasive for the same reasons stated previously.

Applicant further substantiates these arguments by stating there are four necessary conditions opposed to the "occurring within a fixed length overlap region that is less than the entire overlap," and that meeting one of these conditions does not teach the limitations.

Examiner respectfully disagrees. These calculations occur at specific intervals. These specific intervals meet the limitations of a "fixed length overlap region," specifically, the identified regions. These regions, after identified are considered to be fixed length, as they are not substantially changing. For example, a silent region isn't going to change from silent to audible. This specific region, can be considered less than an entire overlapping regions. For example, multiple silent regions in the audio track could be identified. The sum (or span from beginning of silent region 1 to the end of silent region $n+1$) of these would read upon the entire overlapping regions. Thus, a single identified location, would be less than the entire region.

Applicant states regarding claims 3 and 6:

This implies that the correlation is calculated for all points between "the minimum and maximum end points." This teaching contradicts the recitations of base claims 1 and 4 of calculating a cross-correlation "for only a fixed length overlap region less than an entire overlapping region." The recitation of "choosing other Tc sample splice point regions each located N samples to the right of the previous region" fails to teach the claimed "only a center half of the overlap region for $k = 0$ " recited in claims 3 and 6. Accordingly, claims 3 and 6 are allowable over Crockett.

Examiner respectfully disagrees. In addition to what is stated above regarding claims 1 and 4, it should be noted again that depending on the determined splice point, the device could determine a point of only the center of the identified regions. Since it could fall at any location, it can reasonably assumed to anticipate this limitation.

Applicant further states:

These statements by the Examiner represent a misunderstanding of the limitation recited in claims 3 and 6. This limitation does not recite where the selected value of K "yielding the greatest cross-correlation" will occur. This limitation of claims 3 and 6 limits the overlap region where the correlation calculation takes place. Thus the Examiner's argument that the "end point could fall within any area of the segment, one of which area being the center region" is not in the same field as the limitation of claims 3 and 6. An argument that the end point may be within the center region, fails to make obvious the recitation of claims 3 and 6 that the correlation calculation takes place "only a center half of the overlap region for $k = 0$." Accordingly, claims 3 and 6 are allowable over Crockett.

Examiner respectfully disagrees. While the limitation does not explicitly recite where the selected value of K "yielding the greatest cross-correlation" will occur, the limitations calls for the overlap region where the correlation calculation takes place. The location yielding the greatest cross-correlation will define the overlap region where the

Application/Control Number:
10/714,175
Art Unit: 2615

Page 4

correlation takes place. In the prior art, this could be anywhere the system determines is applicable, one of which being a center region.



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SUPERVISORY PATENT EXAMINER